S.B. CIVIL WRIT PETITION NO.1399/2005

CHANDRAKANT

VS

CIVIL JUDGE (JR.DIV.), PINDWARA & ORS.

DATE OF ORDER 14.3.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Rajesh Shah, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the orders dated 8.2.2005 and 22.2.2005 by which the petitioner's application filed under order 14 Rule 5 CPC and another application under Rule 71 of the General Rules (Civil), 1986 were rejected by the trial court disallowing the petitioner to produce evidence in rebuttal on issue no.3A for which burden was upon the respondent-defendant on the ground that the respondent-defendant did not produce evidence and the plaintiff did not get the right of rebuttal reserved and on the ground that evidence on the issue has already come on record.

Since the case is fixed for final hearing and it appears that the petitioner, if feels aggrieved, may challenge the impugned order in the

appeal and there appears to be no reason for this court to interfere in the orders passed by the trial court by exercising powers under Article 227 of the Constitution of India.

Therefore, the writ petition of the petitioner is dismissed with liberty to the petitioner to challenge both the two orders rejecting the petitioner's three prayer in appeal in case any occasion arises for the petitioner to do so.

(PRAKASH TATIA), J.

c.p.goyal/-